

Filed for intro on 05/18/95
House Bill _____
By _____

Senate No. SB1929
By Holcomb

AN ACT to create the Northeast Tennessee Corridor Overlay
District in Kingsport, Sullivan County, Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Northeast Tennessee
Corridor Overlay District Act."

SECTION 2. Legislative Findings - Public and governmental character of District
Declaration of Public Necessity.

(a) It is declared that a clear need exists in a specific area of Kingsport, Sullivan
County, Tennessee, for improved management of the natural and manmade resources
required for the attraction, expansion and continued support of industrial and commercial
development and the subsequent creation and expansion of employment opportunities
for Tennessee's citizens through the promotion of business development. To this end, it
shall be the purpose of this act to place physical development review responsibilities and
other powers specified herein in a specially designated body, and that such body shall
have the authority to exercise said powers to more effectively manage the natural and

manmade resources to effect the location, expansion and support of the industrial and commercial development within the specific geographic area designated by this act.

(b) It is further declared that the Northeast Tennessee Corridor Review Commission created pursuant to this act shall be a public and governmental body acting as an agency and instrumentality of the City of Kingsport; and that the responsibilities, management authority, and other powers designated herein are declared to be for public and governmental purpose and a matter of public necessity.

SECTION 3. Definitions. The following words or terms whenever used or referred to in this act shall have the following respective meanings unless different meanings clearly appear from the context:

(a) "Commission" shall mean the Northeast Tennessee Corridor Review Commission created pursuant to the provisions of this act.

(b) "Governing Body" shall mean the chief legislative body of the City of Kingsport.

(c) "Municipality" shall mean the City of Kingsport, Tennessee which has jurisdiction within the geographical area of the District as designated by this act.

(d) "State" shall mean the State of Tennessee.

(e) "Planning Commission" shall mean the Kingsport Regional Planning Commission or any successor planning commission.

(f) "Corridor Overlay District" shall mean that geographical corridor described at Section 5(b) of this act.

SECTION 4. Commission Established - Purposes.

(a) There is established in Kingsport, Sullivan County, Tennessee, a commission to be known as the "Northeast Tennessee Corridor Review Commission".

(b) The commission shall be established for the purposes of:

(1) Developing and adopting a comprehensive development plan for the Northeast Tennessee Corridor Overlay District delineated elsewhere in this act.

(2) Developing, adopting, and administering site design, architectural design and development standards for the corridor overlay district to insure a high quality living and working environment conducive to the requirements of commercial and industrial business.

(3) Effecting sound development of the designated area, through the construction, renovation or modification of public service facilities in cooperation with the municipality and utility districts as deemed necessary and appropriate for the location, siting, maintenance, and support of the commercial and industrial development.

SECTION 5. Corridor Overlay Zone, Establishment, Definition, Delineation.

(a) In order to accomplish the purpose of this act, corridor overlay zones shall be established by the governing body within which the commission shall exercise powers described herein to effect the purposes of this act. The powers described shall be exercised in cooperation with the governing body and other police powers. The governing body's zoning resolution shall be amended to establish corridor overlay zones in accordance with the provision of its zoning resolution and the general law of the state. Where design and development standards, regulations, policies, and procedures are adopted for the corridor overlay zone by the commission pursuant to this act, said standards, regulations, policies and procedures shall apply, provided that, the permitted and prohibited property uses, zoning, land management procedures and regulations otherwise applicable within the city shall also apply.

(b) The geographic area defined as the Northeast Tennessee Commercial and Industrial Corridor and over which the commission shall exercise its powers shall be that portion of Kingsport, Sullivan County, Tennessee:

NORTHEAST TENNESSEE OVERLAY DISTRICT

CORE AREA (AREA 1)

Beginning at a point, said point being located on the southerly ROW line of Interstate 181 and the common divisional line of 1993 Tax Parcels 91-36 and 91-35 in the 13th Civil District of Sullivan County; thence in a southerly direction approximately five hundred twenty (520) feet to a common corner of Tax Parcels 91-4 and 91-2; thence in a westerly direction for a distance of approximately five hundred thirty (530) feet with and along Tax Parcel 91-2 southerly property line; thence in a southwesterly direction for a distance of approximately four thousand three hundred (4,300) feet with the southerly boundary line of Tax Parcel 91-2 to a point, said point being on the common property divisional line of Tax Parcel 91-2 and 91-15; thence in a northwesterly direction with the Kingsport corporate limits and with divisional line of Tax Parcels 90-60 and 90-61 for a distance of approximately three thousand three hundred fifty (3,350) feet to a point, said point being on the center line of State Route 93 and the Kingsport corporate limits; thence in a northwesterly direction along the property line of Tax Parcel 90-64 for a distance of approximately one thousand eight hundred thirty (1,830) feet to a point; said point being located on the common corner of Tax Parcels 90-99 and 90-64; thence in an easterly direction for a distance of approximately ninety (90) feet to a point, said point being on the common point of Tax Parcel 76-1 and Tax Parcel 90-99; thence in a northerly direction for a distance of approximately one thousand five hundred forty (1,540) feet to a point, said point being located on the center line of Princeton Road and the property divisional line extended of Tax Parcel 76-1 and Tax Parcel 90-102; thence in a northerly direction along the center line of Princeton Road for a distance of approximately three hundred fifty seven (357) feet to a point, said point being the center line of Princeton Road and Tax Parcel 75M-C-32, extended; thence in a northerly direction for a distance of approximately one thousand six hundred twenty (1,620) feet

along the westerly boundary of Tax Parcel 75M-C-32 to the northwesterly corner of said parcel; thence in an easterly direction for a distance of approximately four hundred forty (440) feet with the southerly boundary of Tax Parcel 75M-A-36, extended, to a point in the center line of Seaver Road; thence in a northerly direction with and along the center line of Seaver Road for a distance of approximately one thousand (1,000) feet to a point where the easterly boundary of Tax Parcel 75L-E-13, extended, intersect said center line; thence in a northerly direction for a distance of approximately three hundred (300) feet along the common property divisional lines of Tax Parcels 75L-E-11, 13, 32, and the H. D. Seaver property subdivision to a point, said point being on the center line of Old Stage Road; thence in a northwesterly direction for a distance of approximately three hundred forty (340) feet along the common property divisional line of Tax Parcels 75L-D-9, 10, 11, 12, 13, and 14 of the Timberland Heights Subdivision to a point; thence in an easterly direction for a distance of approximately forty eight (48) feet along the common property divisional line of Tax Parcels 75L-D-9, 8 and 1 of the Timberland Heights Subdivision to a point; thence in a northerly direction with the property divisional line of Tax Parcels 75L-D-1, 8, 5 and 6 for a distance of approximately three hundred (300) feet to a point, said point being on the center line of Reservoir Road; thence in a southwesterly direction for a distance of approximately one hundred seventy five (175) feet to a point; said point being at the intersecting center lines of Saratoga Road and Reservoir Road; thence in a northerly direction for a distance of approximately nine hundred fifty (950) feet along the property divisional lines of Tax Parcels 75-2, 3, 4, 5, and 6 to a point; thence in a westerly direction for a distance of approximately one hundred forty (140) feet along the property divisional line to a common corner of Tax Parcel 61-11 and Tax Parcels 75-6 and 8; thence in a northerly direction for approximately one thousand (1,000) feet with the common divisional line of Tax Parcel 61-11 and Tax Parcels 75-8, 8.1, 10 and 9; thence in a northeasterly direction for a

distance of approximately seven hundred (700) feet along the common divisional line of Tax Parcel 75-9 and 75-10, extended, to the center line of Interstate 181; thence in a northerly direction for a distance of approximately two thousand two hundred fifty (2,250) feet along the center line of Interstate 181 to a point; thence easterly for a distance of approximately four thousand four hundred fifty (4,450) feet along the Kingsport corporate limits line to a point, said point being on the easterly Right-Of-Way of South Wilcox Drive; thence in a southerly direction along the easterly Right-Of-Way of South Wilcox Drive to a point, said point being on the Kingsport corporate line and the property divisional line for Tax Parcels 76A-B-2 and 6; thence along the property divisional line of Tax Parcel 76A-B-2 and the Pierce Subdivision II, for a distance of approximately eight hundred eighty (880) feet to a point; said point being a common corner for Tax Parcels 76A-B-19, 22 and 23; thence in a southerly direction for a distance of four hundred seventy five (475) feet along the common property divisional lines of Tax Parcel 76A-B-22, 22.20 and 23 to a point; thence in a southeasterly direction for a distance of approximately seventy five (75) feet to a point, said point being on the center line of South Eastman Road and the common property divisional lines of Tax Parcels 76A-B-22 and 22.20 extended; thence in a southeasterly direction for a distance of approximately three thousand twenty (3,020) feet with the northerly boundary of Whispering Hills Addition to the northeasterly corner of said addition; thence in a southeasterly direction approximately eight hundred sixty (860) feet with the common divisional line of Tax Parcels 76-6, 11, 11.22, 14 and 5.81 to a corner on Tax Parcel 76-5.81 and the westerly right-of-way of State Route 93; thence in a southeasterly direction, crossing state Highway 93, for a distance of approximately seven hundred forty (740) feet to the northeast corner of Tax Parcel 76-19.5; thence in a southerly direction for a distance of approximately three thousand six hundred sixty (3,660) feet along the property divisional lines extended of Tax Parcels 76-2 and 21 to a point, said point being on the Kingsport

corporate line; thence in a westerly direction for a distance of approximately two thousand eight hundred ninety (2,890) feet along the southerly property line of Tax Parcel 76-2 to a point on the easterly right-of-way of Interstate 181; thence in a southerly direction for a distance of approximately six hundred (600) feet to the point of BEGINNING.

GATEWAY AREA (AREA 2)

Beginning at a point, said point being on the intersecting center lines of Interstate 181 and Interstate 81; thence in a southwesterly direction along the center line of Interstate 81 for a distance of approximately two thousand (2,000) feet; thence in a northerly direction with and parallel to the center line of Interstate 181 for a distance of approximately seventeen thousand eight hundred (17,800) feet to a point, said point being located on the overlay core district boundary line; thence east along the overlay core boundary for a distance of approximately two thousand (2,000) feet to a point, said point being on a center line of Interstate 181; thence continuing in an easterly direction along the overlay core district boundary for a distance of approximately two thousand seven hundred (2,700) feet to a point, said point being the southeast corner of Tax Parcel 76-2; thence in a southerly direction with and parallel to the center line of Interstate 181 for a distance of approximately seventeen thousand five hundred (17,500) feet to a point, said point being on the center line of Interstate 81; thence in a southwesterly direction along the center line of Interstate 81 for a distance of approximately two thousand (2,000) feet to the point of BEGINNING, said point being the intersecting center lines of Interstate 181 and Interstate 81.

GATEWAY AREA (AREA 3)

Beginning at a point, said point being located approximately two thousand (2,000) feet west of the center line of Interstate 181, said point also being located on the overlay core district boundary line; thence in a northwesterly direction with and parallel to

the center line of Interstate 181 approximately eleven thousand two hundred fifty (11,250) feet to a point, said point being on the Kingsport corporate line and the Huntington Wood Subdivision boundary; thence in an easterly direction with and along the Kingsport corporate line for a distance of approximately two thousand three hundred fifty (2,350) feet to a point, said point being on the center line of Interstate 181; thence in an easterly direction along the Kingsport corporate line for a distance of approximately two thousand (2,000) feet to a point, said point being on the Kingsport corporate line and the property divisional lines of Tax Parcels 60-4 and 5; thence in southerly direction with and parallel to center line of Interstate 181 for a distance of approximately six thousand four hundred (6,400) feet to a point, said point being located on the Kingsport corporate line and the overlay core district boundary line; thence in a westerly direction along the overlay core district boundary line to a point, said point being the point of BEGINNING.

All property and structures located in the 13th, 14th and 15th Civil Districts with an elevation in excess of one thousand nine hundred (1,900) feet above sea level shall be subject to the provisions of the Gateway Areas in the Overlay District. These provisions for elevations in excess of one thousand nine hundred (1,900) feet above sea level will not apply to single-family detached homes, or agricultural uses.

The board of commissioners shall regulate the portion of the overlay district found within the corporate limits of the City of Kingsport. If the corporate limits of the City of Kingsport should change in the future due to annexation, the Commissioners shall, upon the effective date of the annexation, regulate the new portions pursuant to the provisions of this act.

SECTION 6. Northeast Tennessee Corridor Review Commission - Sanctioning Authority

- Governing Board - Members - Appointment - Terms.

(a) The governing body of the authority shall be a board of commissioners established in accordance with the terms of this act and charged with the promotion and

support of economic based growth for the Northeast Tennessee Corridor Overlay District in the State of Tennessee.

(b) The board of commissioners shall be composed of seven (7) members, five (5) of whom shall be appointed by the governing body of the municipality, one (1) who is in private business, one (1) from an educational or research institution and one (1) which is an architect. The sixth member shall be the director of planning of the municipality, or his or her designee. No person, whether or not a land owner or developer, with any property interest in any property within the Corridor shall be nominated for, or appointed to serve, as a commissioner. The seventh member shall be a member of the governing body of the City of Kingsport. The term of office of the member appointed from the governing body shall coincide with his or her term of office. The remaining commissioners shall serve terms of five (5) years which terms of office shall begin not more than one (1) month after ratification of this act by the governing body of the City of Kingsport. Commissioners first appointed to the board shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years respectively, but thereafter each commissioner shall be appointed for a term of five (5) years except as otherwise provided herein. All commissioners shall be residents of the City of Kingsport. Any vacancy by reason of non-residency, incapacity, resignation or death shall be filled in a like manner for the unexpired term. Subsequent commissioners shall be appointed by the governing body of the city, and commissioners may serve more than one (1) term. A resolution of the governing body approving the nominees to the initial board of commissioners shall be adopted, and upon approval the commission shall be authorized to commence to conduct business.

(c) All members of the commission shall serve as such without compensation, but may be allowed necessary expenses while engaged in the business of the commission; as may be provided and approved by the city recorder.

(d) The commissioners shall elect from its members a chairman and vice-chairman, each of whom shall continue to be voting members, and shall adopt its own by-laws and rules of procedures. A majority of the commissioners shall constitute a quorum for the transaction of business.

(e) A commissioner may be removed from office for good cause including voting in matters of personal interest in violation of Tennessee Code Annotated, Section 12-4-101, but only after notice of the cause of such removal has been served upon the commissioner, in accordance with Article 7, Section 1, of the Tennessee Constitution, Tennessee Code Annotated, Section 12-4-102, and the general law.

SECTION 7. General Powers. The authority shall have the powers necessary to accomplish the purpose of this chapter including, but not limited to, the following:

(a) To adopt and oversee implementation of a comprehensive development plan comprised of land use, architectural standards, public facilities, and capital improvement plans for the entire corridor overlay zone for the purpose of developing a systematic land management policy and guidance for any person in the development process;

(b) To serve as a review board for the purpose of accepting, considering, approving or denying applications for "certificates of appropriateness" as defined herein, prior to action on requests for rezoning or variance from the provisions of the zoning regulations in effect within the corridor overlay zone, and prior to action on applications for building or grading permits within the corridor overlay zone by any person authorized to issue such permits for the City of Kingsport in order to insure that development within the zone is consistent with the policies and plans of the commission; and to administer and enforce such developmental and architectural standards, regulations and related rules and procedures as the commissioners may adopt from time to time for the review and consideration of applications for such certificates, provided, however, that such

standards, regulations and rules and procedures are first approved by the governing body for the City of Kingsport; and

(c) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this act.

SECTION 8. Application for Permits for Construction In Corridor Overlay Zone - Certificates of Appropriateness

All applications for rezoning or variances from the provisions of adopted zoning ordinances, or for permits for construction, alteration, repair, rehabilitation, or relocation of a building, structure or other improvements to real estate situated within the corridor overlay zone, shall be reviewed by the commissioners, which shall have broad powers to request detailed plans and related data pertinent to thorough review of the proposal. No rezoning or variance to zoning provisions shall be granted, nor shall construction, alteration, repair, rehabilitation or relocation to any building, structure or other improvement to real property situated within the corridor overlay zone be performed without the issuance of a certificate of appropriateness by the commissioners. no building permit issuing authority in the City of Kingsport shall issue any such permit for new structures or improvements within the corridor overlay zone without issuance of a certificate of appropriateness by the commissioners or by the governing body of the City of Kingsport on appeal as provided in Section 11.

SECTION 9. Issuance or Denial of Certificate of Appropriateness Guidelines.

(a) The commission shall, as soon as it is reasonably possible, but in all cases within thirty (30) working days following the filing of an application with the required data, grant a certificate of appropriateness with or without attached conditions, or deny the certificate, and shall state the grounds for denial in writing. In its review of applications for certificates of appropriateness, the commission shall apply its adopted review criteria and standards, rules and regulations and give prime consideration to:

(1) The proposed structure's or development's consistency with the comprehensive development plan and development standards jointly adopted by the commission for the corridor overlay zone;

(2) The relationship of the proposed development's design or the proposed structure's exterior architectural features to the surrounding area and/or the character of the entire overlay zone;

(3) The general compatibility of the structure or development proposal and its projected impacts on development already in the vicinity of the proposal, as well as those projected and reflected in the adopted comprehensive plan for the zone; and

(4) Any other factor, including functional and/or aesthetic, which is reasonably related to the purposes of this act.

(b) Failure by the commission to act on an application within the time required herein shall constitute approval of the certificate, provided, however, that an extension may be granted upon concurrence of the applicant.

SECTION 10. Agricultural Structures and Residential Structures Excluded.

The structures, facilities and land uses identified herein shall not be required to apply for a certificate of appropriateness from the Northeast Tennessee Corridor Review Commission:

(a) Agricultural uses and structures or appurtenances located in an agricultural zone and used solely for the production of products for sale to wholesale or retail markets and not part of or functionally related to manufacturing, commercial, or industrial enterprises within the designated corridor overlay zone.

(b) All residential structures when such structures are located within subdivisions approved by the planning commission or otherwise permitted by the general law.

(c) Nothing contained in this act shall be construed to require any change, or limit in any way any existing use of land permitted by any zoning in effect at the time of the enactment of this act.

SECTION 11. Appeal of Authority Actions.

Any interested party who is aggrieved by any action of the commission including the approval or denial of a certificate of appropriateness may appeal its decision to the governing body for the City of Kingsport by filing an appeal on the designated form and paying such filing fee as may be required within thirty (30) days of the action of the commissioners. The action that is appealed may be overruled by an affirmative majority vote of the governing body of the City of Kingsport. All appeals shall be heard within sixty (60) days of filing of application for appeal. Appeal from the action of the governing body for the City of Kingsport shall be by writ of certiorari as provided in the general law and shall be filed within thirty (30) days of such action.

SECTION 12. Enforcement of Northeast Tennessee Corridor Review Commission Decisions.

In case any building or structure is erected, constructed, reconstructed, altered, maintained, or used, or any land is used in violation of this act or of any regulation or provisions enacted or adopted by the commission under the powers granted by this act, the board of commissioners, the attorney general, the district attorney general for the judicial circuit in which such violation occurs, or is occurring, the governing body's supervisor, department of code administration and inspection, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

SECTIONS 13. Construction of Act.

(a) The powers, authority, and rights conferred by this act shall be in addition and supplemental to any other general, special or local law conferring powers to counties, industrial development corporation or port authorities, and the limitations imposed by this act shall not affect the powers conferred to any county, industrial development corporation or port authority created by any other general, special or local law.

(b) This act is remedial in nature, and shall be liberally construed to effect its purposes of promoting economic development within and in proximity to the Northeast Tennessee Corridor Overlay Zone as defined herein, facilitating the attraction, siting, and support of industries in Kingsport, and encouraging the effective utilization of the natural, educational, and technological resources therein to the ultimate growth and development of commerce and industry in said city and throughout the State of Tennessee.

(c) Nothing in this chapter shall grant any power or control to the Commission over any land or facilities now under the control of any existing authority or public utility created by general or special act.

(d) Nothing in this chapter shall be construed to prevent the extension of the corridor overlay zone into other counties by adoption of similar legislation for such counties, and upon adoption of such legislation this act should be amended to provide for participation by representatives of that county or those counties on the board of commissioners by the appointment of additional members of the board from either that county or those counties, and by providing for the governing body of such county to serve in all respects as the governing body for the development in such county.

(e) If any of the provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not effect the other provisions or applications of this act which can be given effect without the invalid provision or application, and for that purpose the provisions of this act are separable.

SECTION 14. Ratification.

This act shall have no effect unless it is approved by a two-thirds vote of the governing body for the City of Kingsport. Its approval or nonapproval shall be proclaimed by the presiding officer of the governing body and certified by the presiding officer to the secretary of state.

SECTION 15. Effective Date.

For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it; for all other purposes it shall be effective upon being approved as provided in Section 14.

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